

REMARKS

In view of the above amendments and the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 1-24 and 37-40, as well as newly added Claims 41 to 57, the only claims pending and under examination at this time following entry of the above amendments.

The undersigned thanks the Examiner for the helpful personal interview held on November 5, 2003. During the interview of November 5, 2003, the claims were discussed with respect to the cited Hopp reference.

Claims 1, 9, 17 and 37 have been amended to recite that the adhesive gel compositions include a metallic aluminum crosslinking agent, support for this amendment being found in the specification at page 7, lines 14 to 16, as well as Tabel 1 of the working exemplification. New Claims 41-57 are analogous to Claims 1 to 17, but include the specific additional element of a release film, which element finds support in the specification at page 7, lines 29 ff. As the above amendments introduce no new matter to the application, their entry by the Examiner is respectfully requested.

Claims 1-4, 7, 18-22 and 24 have been rejected under 35 U.S.C. § 102 (e) as being anticipated by US 5,846,599 ('599).

As explained below, the '599 patent fails to teach or suggest an adhesive patch as claimed, since the adhesive patch claimed is one that includes a metallic aluminum crosslinking agent, which agent imparts the adhesive properties to the claimed patch composition such that the patch is self-adhesive.

The '599 patent teaches a skin patch for delivery of a contactant to human skin and specifically the '599 patent teaches a supply of contactant that is enclosed in a shroud (see for example col. 5, lines 17-20; Figs. 1-10). However, the '599 patent

teaches that in order to provide adhesiveness for the skin patch, an adhesive coated flange surrounds the shroud and enables the skin patch to be adhered to the skin (col. 5, lines 39-56). Further to this point, the '599 patent explicitly states: "The outer surface or undersurface of the adhesive flange 11 is coated with an adhesive that assures persistence of the device on the skin" (col. 5, lines 49-51). The '599 patent describes various exemplary materials that may be used for the adhesive coated flange (col. 5, lines 43-48), as well as adhesives useable about the flange to provide the needed adhesive property (col. 5, lines 52-56). As such, the '599 patent fails to teach or suggest a gel composition component as claimed, which is itself an adhesive gel composition.

Furthermore, the claimed gel composition must include a metallic aluminum crosslinking agent. This crosslinking agent imparts the self-adhesive properties to the gel component. The '599 fails to teach or suggest such a crosslinking agent.

Accordingly, for at least the reasons provided above, the '599 patent does not anticipate 1-4, 7, 18-22 and 24 and this rejection under 35 U.S.C. § 102 (e) may be withdrawn.

Claim 5 has been rejected under 35 U.S.C. § 103(a) over the '599 reference, for the asserted reason that the only difference between the claimed invention and the disclosure of the '599 reference is that the claimed invention specifies a particular water amount, which is assertedly obvious. However, as demonstrated above, the '599 patent fails to teach or suggest a topical patch composition as now claimed, because the '599 patent teaches the criticality of having an adhesive flange, and fails to teach a self-adhesive gel composition, much less one that specifically includes a metallic aluminum cross linking agent. Accordingly, Claim 5 is not obvious over the '599 disclosure and this rejection may be withdrawn.

Next, Claims 5, 6, 8-17 and 23 have been rejected under 35 U.S.C. § 103(a) over the '599 patent in view of U.S. Patent No. 5,891,920. As the '920 reference has been cited solely to make up for features such as pH and organic solvent, it fails to make up

the above described fundamental deficiency in the '599 patent. Accordingly, the combined teachings of the '599 patent in view of the '920 patent fail to render Claims 5, 6, 8-17 and 23 obvious and this rejection may be withdrawn.

Finally, Claims 37-40 have been rejected under 35 U.S.C. § 103(a) over the '599 patent in view of U.S. Patent No. 5,476,664. As the '664 reference has been cited solely to teach a kit that includes a plurality of patches, it fails to make up the fundamental deficiency in the '599 patent. Accordingly, the combined teachings of the '599 patent in view of the '664 patent fail to render Claims 37-40 obvious and this rejection may be withdrawn.


CONCLUSION

In view of the above amendments and remarks, this application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issuance. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815.

Respectfully submitted,

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